

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. ) Cr. No. 2:06-cr-018-WKW-SRW  
 )  
 SHERRY DIANE PETTIS )

## UNITED STATES' PROPOSED SUPPLEMENTAL JURY INSTRUCTION

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests that the following Supplemental Jury Instruction be given to the jury in the above-styled case.

Respectfully submitted this the 11th day of October, 2006.

LEURA G. CANARY  
UNITED STATES ATTORNEY

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## **CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Donnie Wayne Bethel.

LEURA G. CANARY  
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GOVERNMENT'S REQUESTED JURY INSTRUCTION NO. 14

**Materiality**

Members of the Jury, in order to find the defendant guilty of giving a false statement under oath, what is commonly referred to as perjury, you must find that the false statement given under oath was a material statement. A statement is material if it is capable of influencing the tribunal on the issue before it. In other words, if the defendant's statement had the capability of influencing the trial jury's decision or grand jury's decision, then it is a material statement.

See, *U.S. v. Benitez*, 2006 WL 2456510 (11<sup>th</sup> Cir., April 25, 2006)